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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2010-483**

12 **LISA HERNANDEZ**
13 **121 Allen Drive**
San Bruno, California 94066

A C C U S A T I O N

14 **Registered Nurse License No. 488153**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

- 19 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing.
21 2. On or about March 31, 1993, the Board of Registered Nursing issued Registered
22 Nurse License Number 488153 to Lisa Hernandez (Respondent). The Registered Nurse License
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 August 31, 2010, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board of Registered Nursing, Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2644 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
8 Code, the Board may renew an expired license at any time within eight years after the expiration.

9 STATUTORY/REGULATORY PROVISIONS

10 6. Section 2761 of the Code states:

11 "The board may take disciplinary action against a certified or licensed nurse or deny
12 an application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 ...

15 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
16 functions, and duties of a registered nurse, in which event the record of the conviction shall be
17 conclusive evidence thereof."

18 7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
19 revoke a license when it finds that the licensee has been convicted of a crime substantially related
20 to the qualifications, functions, or duties of a licensed registered nurse.

21 COST RECOVERY

22 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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1 FIRST CAUSE OF DISCIPLINE

2 (Unprofessional Conduct)

3 (Bus. & Prof. Code § 2761(a))

4 9. Respondent has subjected her license to disciplinary action for unprofessional
5 conduct under Code section 2761(a), in that she provided alcohol to her minor children. The
6 circumstances are as follows.

7 10. In April 2007, San Bruno police officers responded to a phone call originating
8 from respondent's residence located at 121 Allen Drive, San Bruno, California. Upon their
9 arrival to respondent's home, respondent's eldest daughter, who at the time was 16 years old, told
10 the officers that she had called the police because she suspected that one of her friends, a runaway
11 juvenile, had stolen some of her property. After being given permission to search the house for
12 the runaway juvenile, the officers noticed several empty and unopened bottles of alcohol in the
13 possession of respondent's minor children. When interviewed, the children said that respondent
14 had given them the alcohol to drink. When the officers interviewed respondent and showed her
15 the empty and unopened bottles of alcohol, she admitted that she had given the alcohol to her
16 children, two of whom who were 11 and 12 years old at the time. Officers forwarded a copy of
17 their police report to the District Attorney's Office and respondent was charged with and later
18 convicted of violating Penal Code section 272(a)(1), contributing to the delinquency of a minor
19 (see below).

20 SECOND CAUSE FOR DISCIPLINE

21 (Conviction)

22 (Bus. & Prof. Code §2761(f))

23 11. Complainant realleges the allegations contained in paragraph 10 above, and
24 incorporates them herein by reference as if fully set forth.

25 12. Respondent has subjected her license to disciplinary action under Code sections 490
26 and 2761(f) in that on or about November 21, 2007, in a criminal proceeding entitled *People of*
27 *the State of California v. Lisa Hernandez*, in the San Mateo County Superior Court
28 Case No. NM367287A, respondent was convicted by a plea of nolo contendere of one count of
violating Penal Code section 272(a)(1) (contributing to the delinquency of a minor), a

1 misdemeanor. Respondent was sentenced to fifteen (15) days in jail, two (2) years of court
2 probation, thirty-five (35) hours of parenting classes, and recommended for the Sheriff's Work
3 Program.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 488153, issued to Lisa
8 Hernandez Lisa E. Hernandez;

9 2. Ordering Lisa E. Hernandez to pay the Board of Registered Nursing the reasonable
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions
11 Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 3/30/10

14 Louise R. Bailey
15 LOUISE R. BAILEY, M.ED., R.N.
16 Interim Executive Officer
17 Board of Registered Nursing
18 State of California
19 Complainant

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